

REMARKS

This communication is a full and timely response to the final Office Action dated December 29, 2004 (Paper No./Mail Date 20041201), the period for response being extended through a Petition for Three Month Extension of Time submitted herewith. By this communication claims 1-5, 9, 13, and 14 have been amended.

Claim 1 has been amended to improve idiomatic English and form and to recite a photographing optical system having a second camera, that obtains a photographed image of the fundus via the objective lens, the fundus being illuminated with illumination light for photographing, an optical axis of the photographing optical system having a predetermined positional relationship with an optical axis of the observation optical system; the fundus being illuminated with illumination light for photographing, wherein an optical axis of the photographing optical system having a predetermined positional relationship with an optical axis of the observation optical system; and moving the fixation target so that the displayed indicator is positioned at the displayed guide target the moved fixation target guides the line of vision to a predetermined direction. Support for the subject matter added to claim 1 can be found variously throughout the specification and drawings, for example, at paragraphs [0024], [0028], and [0038] of corresponding U.S. Patent Application Publication No. 2002-025145 and in Fig. 1 of the drawings. No new matter has been added.

Claim 9 has been amended to improve idiomatic English and form and to recite a photographing optical system having a second camera, that obtains a photographed image of the fundus via the objective lens, the fundus being illuminated with illumination light for photographing, an optical axis of the photographing optical system having a predetermined positional relationship with an optical axis of the observation optical system; an optical axis of the fixation-target presenting optical system having a predetermined positional relationship with the optical axis of the photographing optical system; and moving the fixation target so that the displayed indicator is positioned at the displayed guide target, wherein the moved fixation target guides the line of vision to a predetermined direction. Support for the subject matter added to claim 9 can be found variously throughout the specification and drawings, for example, at paragraphs [0024], [0028], and [0038] of corresponding U.S. Patent Application Publication No. 2002-025145 and in Fig. 1 of the drawings. No new matter has been added.

Claims 2-5, 13, and 14 have been amended to improve idiomatic English and form. No new matter has been added.

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendment: (a) places the application in condition for allowance (for the reasons discussed herein); (b) does not raise any new issues requiring further search and/or consideration; (c) satisfies a requirement of form asserted in the previous Office Action; and (d) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of this amendment is respectfully requested. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Claims 1-14 are pending where claims 1 and 9 are independent.

Claim Objections

Claims 10 and 12 were objected to for alleged informalities. In particular, the Office Action alleges that the recited limitation “the program” lacks antecedent basis. Applicant respectfully submits that the same objection was made in an Office Action dated May 25, 2005 (Paper No./Mail Date 20040501). Applicant addressed and presumably remedied this deficiency in a Response filed on November 24, 2004 in which “the program” was changed to “a program” in each of claims 10 and 12. For at least this reason, Applicant respectfully submits that the objection to claims 10 and 12 are moot and should be withdrawn.

Rejections Under 35 U.S.C. §102

Claims 1-14 were rejected under 35 U.S.C. §102(e) as anticipated by *Ohtsuka*, U.S. Patent No. 6,404,985. Applicant respectfully traverses this rejection.

Claim 1 recites a fundus camera comprising an observation optical system having an objective lens and a first camera, for obtaining an observation image of a fundus of an eye to be examined via the objective lens, the fundus being illuminated with illumination light for observation; a photographing optical system having a second camera, for obtaining a photographed image of the fundus via the objective lens, the fundus being illuminated with illumination light for photographing, wherein an optical axis of the photographing optical system has a predetermined positional relationship with an optical axis of the observation optical system; a monitor which displays the obtained fundus observation image; a fixation-target presenting optical system for presenting a fixation target to the fundus via the objective lens so that the presented fixation target guides a line of vision of the eye, wherein an optical axis of the fixation-target presenting optical system has a predetermined positional

relationship with the optical axis of the photographing optical system; a fixation-target moving unit having operation means, that freely moves the fixation target in a region of a two-dimensional plane orthogonal to the optical axis of the fixation-target presenting optical system; a first display-control unit which has control to optically or electrically display on the displayed fundus observation image an indicator to indicate a presented position of the fixation target on the fundus; and a second display-control unit which has control to graphically display on the displayed fundus observation image a guide target for guiding movement of the fixation target, wherein by moving the fixation target so that the displayed indicator is positioned at the displayed guide target the moved fixation target guides the line of vision to a predetermined direction.

Claim 9 recites a fundus camera comprising an observation optical system having an objective lens and a first camera, that obtains an observation image of a fundus of an eye to be examined via the objective lens, the fundus being illuminated with illumination light for observation; a photographing optical system having a second camera, that obtains a photographed image of the fundus via the objective lens, the fundus being illuminated with illumination light for photographing, wherein an optical axis of the photographing optical system has a predetermined positional relationship with an optical axis of the observation optical system; a monitor which displays the obtained fundus observation image; a fixation-target presenting optical system for presenting a fixation target to the fundus via the objective lens so that the presented fixation target guides a line of vision of the eye, wherein an optical axis of the fixation-target presenting optical system has a predetermined positional relationship with the optical axis of the photographing optical system; a fixation-target moving unit having operation means, that freely moves the fixation target in a region of a two-dimensional plane orthogonal to the optical axis of the fixation-target presenting optical system; a first display-control unit which has control to optically or electrically display on the displayed fundus observation image an indicator to indicate a presented position of the fixation target on the fundus; and a second display-control unit having a program by which a guide target for guiding movement of the fixation target is displayed graphically in a plurality of predetermined positions on the displayed fundus observation image and a display form of the guide target is varied based on a sequence of photographing of plural parts of the fundus, wherein by moving the fixation target so that the displayed indicator is positioned at the

displayed guide target, wherein the moved fixation target guides the line of vision to a predetermined direction.

Ohtsuka (US 6,404,985) discloses a fundus camera having a plurality of fixation light sources (one for photographing a central part of a fundus and four for photographing a peripheral part of the fundus in the embodiments); and further discloses turning on a fixation light source that corresponds to a desired part of the fundus to be photographed to direct a visual line of an eye to be inspected. Based on this configuration and process, the fundus camera easily directs the visual line of the eye to a predetermined direction, however, it cannot direct the visual line of the eye to the other directions.

In contrast, the fundus camera of the present invention secures an adequate degree of freedom in a position of a fixation target, and also displays guide targets on a monitor for assisting in aligning a position of the fixation target. As a result, *Ohtsuka* fails to disclose, teach, or suggest at least moving the fixation target (in a region of a two-dimensional plane orthogonal to the optical axis of the fixation-target presenting optical system) so that the displayed indicator is positioned at the displayed guide target the moved fixation target guides the line of vision to a predetermined direction. Accordingly, *Ohtsuka* fails to anticipate claims 1 and 9.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. *See Verdegall Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *Ohtsuka* fails to disclose, teach, or suggest every element recited in independent claims 1, 11, and 12, therefore these claims are not anticipated by *Ohtsuka*. Accordingly, Applicant respectfully requests that the rejection of claims 1 and 9 under 35 U.S.C. §102 be withdrawn, and these claims be allowed.

Claims 2-8 depend from claim 1 and claims 10-14 depend from claim 9. By virtue of this dependency, Applicant submits that claims 2-8 and 10-14 are allowable for at least the same reasons given above with regard to their respective base claims. In addition, Applicant submits that claims 2-8 and 10-14 are further distinguished over *Ohtsuka* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 2-8 and 10-14 under 35 U.S.C. §102 be withdrawn, and these claims be allowed.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-14 are allowable, and this application is in condition for allowance. Accordingly, Applicants request favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicants request that the Examiner contact the undersigned attorney at the number listed below.

If a fee is due, please charge our Deposit Account No. 18-0013, under Order No. WEN-0007 from which the undersigned is authorized to draw.

Dated: June 29, 2005

Respectfully submitted,

By 

Ronald P. Kananen

Registration No.: 24,104

Shawn B. Cage

Registration No.: 51,522

Attorneys for Applicant

RADER, FISHMAN & GRAUER, PLLC
Lion Building
1233 20th Street, N.W., Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353

Enclosures: Petition for Extension of Time (three months)
DC175321.DOC

In the event additional fees are necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicants hereby petition for any needed extension of time.